

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

WARREN D. CROZIER, PAULA M.
CROZIER, and ABBY CROZIER,

Plaintiffs,

vs.

WESTSIDE COMMUNITY SCHOOL
DISTRICT, et al.;

Defendants.

8:18CV541

ORDER

This case has been pending for four years. The court previously denied Plaintiffs' request for appointed counsel. (Filing No. 8). That decision was reversed on appeal by the Eighth Circuit Court of Appeals.

On remand, the court appointed counsel for Plaintiffs. (Filing No. 19). Approximately a year later, the appointed counsel moved to withdraw, citing ethical reasons and a breakdown in communications. (Filing No. 84). The motion was granted.

Plaintiffs again moved for appointed counsel. (Filing No. 110). Nine months later, that attorney has also moved to withdraw due to a "a material breakdown in the attorney-client relationship." (Filing No. 142).

The court believes an in-court hearing on this motion is necessary, with all Plaintiffs present. The court is not willing to hold this hearing by Zoom, or in part by Zoom (with Paula Crozier present and Warren and Abby Crozier participating by Zoom). None of the plaintiffs are lawyers, and therefore no plaintiff can represent the others. Moreover, the parties are not entitled to appear by Zoom. And the court finds that any explanation of the reasons for withdrawal, and any potential reconciliation of the disputes between the appointed counsel and the plaintiffs, is best accomplished during an in-person hearing.

To that end, the court asked Plaintiffs to identify dates when they can appear in court for the hearing. After waiting over a week for dates, Plaintiffs have not picked any of the numerous dates offered up by the court. Instead, they state they can attend only on the Friday, Saturday, and Monday after Thanksgiving, (see attached), all of which are at least three weeks after the motion was filed. The court cannot accommodate any of Plaintiffs' proposed dates.

Accordingly,

IT IS ORDERED:

1) The hearing on the motion to withdraw filed by Plaintiffs' appointed counsel, (Filing No. 142), will be held before the undersigned magistrate judge in the Special Proceedings Courtroom (Courtroom 1), Roman L. Hruska Federal Courthouse, 111 South 18th Plaza, Omaha, Nebraska at 11:00 a.m. on November 22, 2022. Plaintiffs' appointed counsel and each of the plaintiffs shall attend. Defense counsel may, but need not, attend.

2) A plaintiff's failure to comply with this order may result in dismissal of the claims filed by the noncomplying plaintiff without further notice.

3) The clerk shall email a copy of this order to Plaintiffs at warrencrozier@yahoo.com; Crozier00541@gmail.com; and paulamcrozier@yahoo.com.

Dated this 14th day of November, 2022.

BY THE COURT:

s/ Cheryl R. Zwart
United States Magistrate Judge

From: [Cheryl Zwart](#)
To: [Paula Crozier](#)
Cc: [Abby Crozier](#); [Caitlin Wain](#); [Casandra Langstaff](#); [John M. Lingelbach](#); [Margaret C. Hershiser](#); [Murphree, Kristina](#); [Riekes, Ari](#); [WARREN CROZIER](#); [Warren Crozier](#); [zwart@ned.uscourts.gov](#)
Subject: Re: Motion to Withdraw as Attorney-Dates
Date: Monday, November 14, 2022 4:45:53 PM

Crozier:

So long as he represents you, Ari was under no duty to tell the court where you live. My impression of your residence was based on our last in-court conference.

The case was filed by you in Nebraska, with an Omaha trial location. So, you must make yourself available for conferences before the court, depositions, and the trial in Omaha.

I will set the hearing for 11:00 a.m. on November 22, 2022 in a courtroom in Omaha. Abby may need to miss school, and you and Warren may need to miss work, to attend this court hearing.

Cheryl Zwart
U. S. Magistrate Judge

Sent from my iPhone

On Nov 14, 2022, at 4:28 PM, Paula Crozier <paulamcrozier@yahoo.com> wrote:

CAUTION - EXTERNAL:

Dear Judge Zwart,

We, too, thought the weekends were not available, but we remain open to meeting whenever the court is available. Our current counsel, Ari, has been aware that Abby has been out of state for school and work for several months. She and her doctor both agreed she needed to move from Omaha because she is extremely frightened to live here and with good reason of the aftermath of what Westside has perpetuated upon her. Ari is also aware that Warren has been taking care of Abby since July due to her continued trauma and ptsd from the case and the defendants.

You had previously stated that we were to "absolutely not contact the court" so we naturally thought our counsel had done this due diligence. This is yet another failure of duty and why Ari has chosen to withdraw. We are able and it is possible to meet virtually so please let us know.

Paula, Warren and Abby Crozier

Paula M. Crozier

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On Monday, November 14, 2022 at 10:52:42 AM CST, Cheryl Zwart <cheryl_zwart@ned.uscourts.gov> wrote:

The court is closed on 11-25 and 11-26.

November 28 is not a date that works for the court.

My understanding was that each of the plaintiffs live in the area. What travel arrangements are needed for Plaintiffs Abby Crozier and Warren Crozier?

Cheryl R. Zwart
U.S. Courts--Nebraska
100 Centennial Mall N. #566
Lincoln, NE 68508
(402) 437-1670

From: Abby Crozier <crozier00541@gmail.com>
Sent: Monday, November 14, 2022 10:11 AM
To: Cheryl Zwart <Cheryl_Zwart@ned.uscourts.gov>
Cc: Caitlin Wain <Caitlin_Wain@ned.uscourts.gov>; Casandra Langstaff <casandra.langstaff@koleyjessen.com>; John M. Lingelbach <john.lingelbach@koleyjessen.com>; Margaret C. Hershiser <margaret.hershiser@koleyjessen.com>; Murphree, Kristina <kmurphree@gwmclaw.com>; Paula Crozier <paulamcrozier@yahoo.com>; Riekes, Ari <ariekes@gwmclaw.com>; WARREN CROZIER <warrencrozier@yahoo.com>; Warren Crozier <crozierwarren@gmail.com>; zwart@ned.uscourts.gov
Subject: Re: Motion to Withdraw as Attorney-Dates

CAUTION - EXTERNAL:

Good morning,

We want to address that from experience every time we have had a hearing, it requires new nuances on how to handle the case. Therefore, please expect the hearing to include enough time for the issues and facts to be heard. No one can tell how long the hearings will take, so please plan accordingly, for as the court has mentioned, it is very important to thread the needle carefully.

As plaintiffs at this hearing, like all the other attendees, we request to bring in our phones and laptop to be only used in the same manner as the defense, Ari, and Kristina.

As we are having to make travel arrangements for both my dad and I, the only in-person dates we would all be available would be Friday 11/25, Saturday 11/26, or Monday 11/28 at any time available for all. Otherwise, we are available for my mom Paula to attend in person and my dad Warren and I to attend via zoom on Thursday November 17.

Thank you,
Abby, Warren and Paula Crozier

On Wed, Nov 9, 2022 at 8:09 AM Cheryl Zwart <Cheryl_Zwart@ned.uscourts.gov> wrote:

Please have those dates to me by Monday.

On Nov 8, 2022, at 10:59 AM, Paula Crozier <paulamcrozier@yahoo.com> wrote:

CAUTION - EXTERNAL:

Judge Zwart,

Please allow a couple more days for us to answer with dates as we are having to schedule with three plaintiffs' schedules and travel arrangements.

Thank you,

Paula Crozier, Warren Crozier and Abby Crozier

On Nov 7, 2022, at 10:19 AM, Riekes, Ari <ariekes@gwmclaw.com> wrote:

Good Morning again,

I apologize, I was just working off Defendant's counsel's availability, but I am also available as follows:

Tuesday November 8: before 11 or after 2.

Tuesday November 15, November 16, and November 17 and Monday November 21: at any time.

Tuesday November 22: Only in the morning.

November 23, I apologize, but am out of town.

Thank you,

Ari

<image001.png>

Ari D. Riekes, Attorney

gwmclaw.com

P(402)392-1500

F(402)392-8101

1500 Omaha Tower • [2120 South 72nd Street • Omaha, NE 68124](https://www.google.com/maps/place/1500+South+72nd+Street,+Omaha,+NE+68124)

From: Riekes, Ari

Sent: Monday, November 7, 2022 10:12 AM

To: Casandra Langstaff <Casandra.Langstaff@koleyjessen.com>; Cheryl Zwart

<Cheryl_Zwart@ned.uscourts.gov>; Paula Crozier <paulamcrozier@yahoo.com>

Cc: Caitlin Wain <Caitlin_Wain@ned.uscourts.gov>; Murphree, Kristina <kmurphree@gwmclaw.com>;

Abby Crozier <crozier00541@gmail.com>; Warren Crozier <crozierwarren@gmail.com>; WARREN

CROZIER <warrencrozier@yahoo.com>; John M. Lingelbach <John.Lingelbach@koleyjessen.com>;

Margaret C. Hershiser <Margaret.Hershiser@koleyjessen.com>; zwart@ned.uscourts.gov

Subject: RE: Motion to Withdraw as Attorney

Good Morning:

I am available:

Tuesday November 8: before 11 or after 2.

Tuesday November 15, November 16, and November 17: at any time.

November 23, I apologize, but am out of town.



Ari D. Riekas, Attorney

gwmclaw.com

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F(402)392-8101

1500 Omaha Tower • [2120 South 72nd Street • Omaha, NE 68124](#)

From: Casandra Langstaff <Casandra.Langstaff@koleyjessen.com>
Sent: Monday, November 7, 2022 9:37 AM
To: Cheryl Zwart <Cheryl_Zwart@ned.uscourts.gov>; Paula Crozier <paulamcrozier@yahoo.com>
Cc: Caitlin Wain <Caitlin_Wain@ned.uscourts.gov>; Murphree, Kristina <kmurphree@gwmclaw.com>; Abby Crozier <crozier00541@gmail.com>; Warren Crozier <crozierwarren@gmail.com>; Riekas, Ari <ariekes@gwmclaw.com>; WARREN CROZIER <warrencrozier@yahoo.com>; John M. Lingelbach <John.Lingelbach@koleyjessen.com>; Margaret C. Hershiser <Margaret.Hershiser@koleyjessen.com>; zwart@ned.uscourts.gov
Subject: RE: Motion to Withdraw as Attorney

Your Honor/All:

Defendants are available on the following dates/times proposed by the Court:

- Tuesday November 8 (available; can accommodate any time)
- Tuesday November 15 (1:30 or after) (available)
- Wednesday November 16 (2:30 or after) (available)
- Thursday November 17 (morning only, Judge Zwart has in-person afternoon hearings in Lincoln) (Available)
- Wednesday November 23 (available; can accommodate any time)

Thanks,

Cassie

Casandra Langstaff | Attorney
Koley Jessen P.C., L.L.O. | [1125 S. 103rd St., Suite 800 | Omaha, NE 68124](#)
402.343.3894 Direct | 402.390.9005 Fax
Casandra.Langstaff@koleyjessen.com | www.koleyjessen.com



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From: Cheryl Zwart <Cheryl_Zwart@ned.uscourts.gov>
Sent: Sunday, November 6, 2022 8:16 PM
To: Paula Crozier <paulamcrozier@yahoo.com>

Cc: Caitlin Wain <Caitlin_Wain@ned.uscourts.gov>; Casandra Langstaff <Casandra.Langstaff@koleyjessen.com>; Murphree, Kristina <kmurphree@gwmclaw.com>; Abby Crozier <crozier00541@gmail.com>; Warren Crozier <crozierwarren@gmail.com>; Riekes, Ari <ariekes@gwmclaw.com>; WARREN CROZIER <warrencrozier@yahoo.com>; John M. Lingelbach <John.Lingelbach@koleyjessen.com>; Margaret C. Hershiser <Margaret.Hershiser@koleyjessen.com>; zwart@ned.uscourts.gov
Subject: Re: Motion to Withdraw as Attorney

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Plaintiffs:

The hearing will be in the courtroom. I will not be accommodating participation by some of the parties by Zoom.

Please propose dates and times when all three plaintiffs can personally attend.

Cheryl Zwart

U. S. Magistrate Judge

On Nov 6, 2022, at 6:43 PM, Paula Crozier <paulamcrozier@yahoo.com> wrote:

CAUTION - EXTERNAL:

Caitlyn,

We would be available Wednesday Nov 16th after 2:30, Thursday November 17th in the morning or Wednesday November 23.

Both Abby and Warren will have to meet via zoom.

Thank you,

Paula Crozier

On Nov 4, 2022, at 1:31 PM, Paula Crozier <paulamcrozier@yahoo.com> wrote:

Caitlin,

Plaintiffs will have their answer for availability this evening.

Paula Crozier

On Nov 4, 2022, at 12:33 PM, Caitlin Wain <Caitlin_Wain@ned.uscourts.gov> wrote:

All,

Please respond with your availability for all of the listed dates, so we can attempt to find a time that works for everyone. Thank you,

Caitlin

From: Casandra Langstaff
<Casandra.Langstaff@koleyjessen.com>
Sent: Friday, November 4, 2022 12:29 PM
To: Murphree, Kristina <kmurphree@gwmclaw.com>; Caitlin Wain <Caitlin_Wain@ned.uscourts.gov>; Abby Crozier <crozier00541@gmail.com>; Paula Crozier <paulamcrozier@yahoo.com>; Warren Crozier <crozierwarren@gmail.com>; Riekes, Ari <ariekes@gwmclaw.com>; WARREN CROZIER <warrencrozier@yahoo.com>
Cc: John M. Lingelbach <John.Lingelbach@koleyjessen.com>; Margaret C. Hershiser <Margaret.Hershiser@koleyjessen.com>; zwart@ned.uscourts.gov
Subject: RE: Motion to Withdraw as Attorney

CAUTION - EXTERNAL:

Dear Caitlin:

Defendants do wish to attend but have a conflict Monday.

We are available Tuesday, November 8th.

Casandra Langstaff | Attorney
Koley Jessen P.C., L.L.O. | [1125 S. 103rd St., Suite 800 | Omaha, NE 68124](#)
402.343.3894 Direct | 402.390.9005 Fax
Casandra.Langstaff@koleyjessen.com | www.koleyjessen.com

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From: Murphree, Kristina <kmurphree@gwmclaw.com>
Sent: Friday, November 4, 2022 11:45 AM
To: Caitlin Wain <Caitlin_Wain@ned.uscourts.gov>; Abby Crozier <crozier00541@gmail.com>; Paula Crozier <paulamcrozier@yahoo.com>; Warren Crozier <crozierwarren@gmail.com>; Riekes, Ari <ariekes@gwmclaw.com>; WARREN CROZIER <warrencrozier@yahoo.com>
Cc: Casandra Langstaff <Casandra.Langstaff@koleyjessen.com>; John M. Lingelbach <John.Lingelbach@koleyjessen.com>; Margaret C. Hershiser <Margaret.Hershiser@koleyjessen.com>; zwart@ned.uscourts.gov
Subject: RE: Motion to Withdraw as Attorney

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Dear Caitlin,

Ari and I are available at 10:00 a.m. on Monday.

Kristina

[<~WRD0001.jpg>](#)

Kristina B. Murphree

Attorney

gwmclaw.com

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F(402)392-8101

1500 Omaha Tower • [2120 South 72nd Street • Omaha, NE 68124](#)

From: Caitlin Wain <Caitlin_Wain@ned.uscourts.gov>
Sent: Friday, November 4, 2022 10:54 AM
To: Abby Crozier <crozier00541@gmail.com>; Paula Crozier <paulamcrozier@yahoo.com>; Warren Crozier <crozierwarren@gmail.com>; Riekes, Ari <ariekes@gwmclaw.com>; Murphree, Kristina <kmurphree@gwmclaw.com>; WARREN CROZIER <warrencrozier@yahoo.com>
Cc: Casandra Langstaff <Casandra.Langstaff@koleyjessen.com>; John M. Lingelbach <John.Lingelbach@koleyjessen.com>; Margaret C. Hershiser <Margaret.Hershiser@koleyjessen.com>; zwart@ned.uscourts.gov
Subject: Motion to Withdraw as Attorney

Counsel and Plaintiffs,

The court has reviewed the motion to withdraw as attorney filed by Mr. Riekes and Ms. Murphree. Judge Zwart will set an in-person hearing on this motion at the Hruska Courthouse in Omaha. Plaintiffs, Mr. Riekes and Ms. Murphree will be required to attend. Counsel for Defendants may attend but will not be required to.

Please respond to chambers (zwart@ned.uscourts.gov) as soon as possible with your availability to attend on the following dates:

Monday November 7

Tuesday November 8

Tuesday November 15 (1:30 or after)

Wednesday November 16 (2:30 or after)

Thursday November 17 (morning only, Judge Zwart has in-person afternoon hearings in Lincoln)

Monday November 21 (afternoon only)

Tuesday November 22

Wednesday November 23

If no response is received by noon on Tuesday November 8, the hearing will be set at a date and time selected by the court. Thank you,

Caitlin E. Wain

Law Clerk to Magistrate Judge Cheryl R. Zwart

U.S. District Court for the District of Nebraska

caitlin_wain@ned.uscourts.gov

Chambers Telephone: (402) 437-1670

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